IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

W.P.(C).No.32878 of 2006(S)

PETITIONER:-

RAILWAY DEVELOPMENT ACTION COUNCIL, GURUVAYOOR,
REPRESENTED BY ITS GENERAL CONVENER,
SRI.K.G.SUKUMARAN MASTER.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:-
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1. UNION OF INDIA,
REPRESENTED BY THE GENERAL MANAGER,
SOUTHERN RAILWAY, CHENNAI.

2. THE DISTRICT COLLECTOR, THRISSUR.

3. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ASSISTANT SOLICITOR GENERAL OF INDIA
SRI.JOHN VARGHESE.

R2 & R3 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/01/2007, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE SKETCH SHOWING THE PROPOSED COASTAL RAILWAY LINE FROM EDAPPALLY TANUR (VIA) GURUVAYOOR.

EXT.P2 - TRUE COPY OF THE REPRESENTATION DATED 25.1.2005 SUBMITTED BY THE PETITIONER BEFORE R2 AND ENGLISH TRANSLATION.

EXT.P3 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE MEMBERS OF PARLIAMENT AND ENGLISH TRANSLATION.

EXT.P4 - TRUE COPY OF THE NEWS REPORT APPEARED IN THE NEW INDIAN EXPRESS DAILY DATED 27.7.2006 AND ENGLISH TRANSLATION.

EXT.P5 - TRUE COPY OF THE REPRESENTATION DATED 21.12.2004 SUBMITTED BY THE PETITIONER BEFORE THE MEMBER SECRETARY, RAILWAY BOARD, NEW DELHI.

RESPONDENT'S EXHIBITS:- NIL.

- TRUE COPY -

V.K.Bali,C.J. & M.Ramachandran,J.

W.P.(C).No.32878 of 2006-S

Dated, this the 23rd day of January, 2007

JUDGMENT

V.K.Bali,C.J.

Railway Development Action Council has filed this petition under Article 226 of the Constitution of India by way of public interest litigation seeking to issue a writ in the nature of mandamus directing respondents to take steps to complete the land acquisition proceedings for the Guruvayoor -Tanur railway line. It is the case of the petitioner that the public at large travelling between Ernakulam and Kozhikode is facing enormous difficulties. These difficulties could be minimised by opening Guruvayur - Tanur Railway line, which would make a reduction of about 25 Kms. on the Kochi - Mumbai line. Petitioner submitted representations to various authorities like Railway, Government of India and District Collectors concerned, to take speedy steps for acquisition of lands and complete the work at the earliest, but due to the inaction on the part of the authorities concerned the public at large are facing difficulties.

2. Mr.Hood, who appears for respondents 2 and 3, has handed over to us a letter dated 29.12.2006 from District Collector, Thrissur addressed to him. We order that this be placed on records. The details of the land acquisition proceedings and present stage has been given in detail. The reasons for the delay in land acquisition proceedings have been mentioned. Ultimately, it is mentioned that it would take approximately one year to complete the acquisition work.

3. The Railway line, it appears, has not been made because the acquisition proceedings had not been taken to its logical ends. Counsel for the petitioner when confronted with the position aforesaid, wanted that the respondents should take lesser time than an year to complete the proceedings. We are, however, of the view that acquisition of land under the provisions of the Land Acquisition Act is a lengthy procedure. Seeking an year to complete the acquisition proceedings is not unreasonable and in the circumstances of the case, we dispose of this writ petition directing the concerned respondents to complete the acquisition proceedings as expeditiously as possible and preferably within a period of one year from today. Naturally, after

acquisition proceedings the matter would be proceeded further for opening of the Railway line, which has to be done by the Railway authorities.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-